

FINDING OF EMERGENCY

These regulations, Title 5, Division 1, Subchapter 20.5 Enhancing Education Through Technology Grant Program, are being adopted on an emergency basis for the immediate preservation of the public peace, health and safety, and general welfare, within the meaning of Government Code Section 11346.1(b).

SPECIFIC FACTS SHOWING THE NEED FOR IMMEDIATE ACTION

California received approximately \$84 million in federal funding through the *No Child Left Behind Act* (Public Law 107-110). The funding is focused on providing educational technology to enhance teaching and learning. According to federal guidelines, the funds are to be divided, with 50% of the funds disseminated through formula-funded grants and 50% disseminated through competitive grants. These regulations apply to the competitive grants.

The formula-funded Request for Application (RFA) has been written and school districts are already applying for these funds. However, the RFA for the competitive grant was delayed while the California legislature developed language to be included in the Education Technology Grant Program of 2002 (SB 192, O'Connell), Education Code sections 52295.01–52295.55. SB 192 established the grade levels, the funding amount, and the funding dissemination process to be used for the competitive portion of the federal funds. The passage of SB 192 delayed the writing of the RFA for the competitive funds for California by several months. Because of this delay, these regulations need to be processed as emergency regulations to allow the Department of Education to release the RFA for the competitive funds in April 2003 (before the public hearing process has been completed).

The competitive grant funding formula established by SB 192 states that districts will receive an implementation grant and are eligible to receive an additional one-time grant only if the district “successfully completes the initial grant.” Once the competitive applications are scored and funded, school districts will require time to purchase equipment and to implement their staff development programs. Funds for the competitive grant must be obligated no later than August 31, 2003. To allow time for districts to comply with the requirements for their grants and to successfully complete the initial grant, the RFA must be released no later than early to mid-April 2003.

To establish the basis for the competitive grant application that will distribute approximately \$40 million to California public schools to enhance technology education, these regulations must be made effective as emergency regulations. This promulgation will provide the longest possible time for school districts to complete the grant requirements to receive the full amount of federal funding to which they are entitled. Without this assurance, it is likely that the RFA will be released too late to assure successful implementation of the grants, thus jeopardizing \$41 million in scarce education technology funding.

Authority and Reference

Authority: Section 52295.30, Education Code.

Reference: Sections 52295.10-52295.55, Education Code; Public Law 107-110, Title II, Part D, Sections 2401-2441; 20 USC Sections 6751-6777.

Informative Digest

The State Superintendent of Public Instruction (SSPI) proposes to adopt Sections 11971-11980 in Title 5 of the California Code of Regulations (CCR). These sections address the Enhancing Education Through Technology (EETT) competitive grant program. This grant program is governed by two legislative mandates:

No Child Left Behind Act of 2001 (Public Law 107-110)

SB 192 (O'Connell), Education Code sections 52295.10 – 52295.55

The purpose of these proposed emergency regulations is to satisfy the administrative requirements for the competitive grant portion of the Enhancing Education Through Technology (EETT) program, established as part of the federal *No Child Left Behind Act* (Public Law, 107-110, Title II, Part D, Section 2401.) In addition to the federal requirements, SB 192 (O'Connell) established the Education Technology Grant Program of 2002, which further determined ways in which funds could be allocated to California schools. The funding purpose is to improve pupil academic achievement through the effective use of technology.

The SSPI will administer the grant program of approximately \$41 million, including the application process for the award of grants, and is authorized to adopt emergency regulations to administer the EETT Grant Program and to allocate program funds.

The grant will provide education technology funding for grades 4-8 in eligible districts for the purpose of integrating technology to enhance teaching and learning. A minimum of 25% of the funding is to be used to provide professional development in the integration of technology into curricula and instruction. Funds not needed for professional development may be utilized to implement and to support the comprehensive program described in the application in a manner consistent with the federal Department of Education General Administrative Regulations (EDGAR), 34 CFR Part 76, 77, 80, 81, 82, 85, and 86 (<http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=199834>).

Eligibility to receive grant funding from the competitive EETT grant is limited to districts serving pupils in grades 4 through 8 that are among the school districts in the state with the highest number or percentage of children from families with an income below the poverty line established by the federal Director of the Office of Management and Budget, and that meet either of the following criteria:

A. The district operates one or more schools identified under Section 1116 of the federal *No Child Left Behind Act* of 2001 (Public Law 107-110) or

B. The district has a substantial need for assistance in acquiring and using technology defined as having an average of 10:1 student-to-multimedia computer ratio or greater in schools serving students in grades 4-8 in the district or an average of less than 50% of classrooms connected to the Internet in schools serving students in grades 4-8 in the district as determined by the California School Technology Survey for the year prior to the grant award.

Districts serving other populations (i.e., K-8, or K-12) may apply for the grant, but funds will only be awarded for pupils in grades 4 through 8.

Funding priority will be based on 1) application score percentage range (100-90, 89-80, 79-70, 69-60, and 59-50); 2) insufficient funding received from EETT formula-funded grant; 3) type of school within each scoring percentage range (i.e., middle schools), with funding going first to school districts based on the middle and junior high schools contained in each district's application; 4) if there is a balance remaining after all middle and junior high schools have been funded starting with the 100-90 score percentage range and working downward, funding next will be allocated within each scoring percentage range to each school district based upon the elementary schools in each application; and finally, 5) if there is a balance remaining after all elementary schools have been funded, starting with the 100-90 score percentage range and working downward, funding will be allocated within each score percentage range to each school district based upon the other eligible schools serving grades 4-8 in each application.

Grant allocations shall be made to school districts (or a consortium of school districts) on a geographic basis conforming to the 11 California Technology Assistance Project (CTAP) regions. The amount of funding for grants available to each region was determined based upon the proportionate enrollment of pupils in grades 4 to 8, inclusive, in eligible schools from that region.

School districts will specify and put in priority order the school(s) to be funded within the program application. There will be an initial one-time implementation grant of \$300 per eligible pupil. An additional \$300 per eligible pupil for pupils in grade 9 may be allocated if the school did not receive funding for these pupils under the Digital High School Education Technology Grant Act of 1997 (Chapter 8.5, commencing with Section 52250). Upon successful completion of the initial grant, districts shall receive an additional one-time grant of \$45 per eligible pupil to be used at the school or schools selected for funding, subject to availability of federal funding appropriated for competitive grants under Part D of Title II of the federal *No Child Left Behind Act of 2001* (Public Law 107-110). Schools with fewer than 300 pupils in all grades will meet the definition of "small school" and will be eligible for a minimum implementation grant and a minimum one-time grant. Minimum grants will allow a productive education technology program to be implemented and will help to ensure that a high-quality education technology program will be effectively integrated into the curriculum.

Definitions derived from federal and state statutes include:

A. "Not of sufficient size to be effective" as used in NCLB legislation, refers to the amount of funding received through the EETT-formula grant by a Local Education Agency (LEA). An insufficient amount has been defined as being less than \$10,000.

B. "School district" as used in SB 192 (O'Connell) means a school district or a consortium of school districts, a county office of education or a direct-funded charter school that meets all of the following criteria:

1. The district is among the school districts in the state with the highest number or percentage of children from families with an income below the poverty line established by the federal Director of the Office of Management and Budget and;

2. The district serves pupils in grades 4-8, inclusive (students in grade 9 may be included if the school did not receive prior funding for these students under the Digital High School Education Technology Grant Act of 1997 (Chapter 8.5 (commencing with Section 52250); and,

3. The district meets either of the following two criteria:

a. The district operates one or more schools identified for improvement or corrective action under Section 1116 of the federal *No Child Left Behind Act of 2001* (Public Law 107-110). A list of these schools can be found on the California Department of Education web site <http://www.cde.ca.gov/iasa/titleone?pi=query.asp>

or

b. The district has a substantial need for assistance in acquiring and using technology, defined as having an average of 10:1 student-to-multimedia computer ratio or greater in schools serving students in grades 4-8 in the district or an average of less than 50% of classrooms connected to the Internet in schools serving students in grades 4-8 in the district as determined by the California School Technology Survey for the year prior to the grant award.

C. “Substantial need for assistance in acquiring and using technology” as used in SB 192 (O’Connell) is defined as having an average of 10:1 student-to-multimedia computer ratio or greater in schools serving students in grades 4-8 in the district or an average of less than 50% of classrooms connected to the Internet in schools serving students in grades 4-8 in the district as determined by the California School Technology Survey for the year prior to the grant award.

D. “Eligible schools” as defined in SB 192 (O’Connell) means schools from eligible districts that serve students in grades 4-8.

E. “Small school” as used in SB 192 (O’Connell) means a school that has 300 or fewer eligible pupils in all grades.

F. “Minimum grant levels for a small school” as used in SB 192 (O’Connell) means an implementation grant base amount of \$25,000 for 1-100 eligible pupils plus \$300 per eligible pupil in excess of the first 25 eligible pupils; an implementation grant base amount of \$15,000 for 101-200 eligible pupils plus \$300 per eligible pupil in excess of the first 25 eligible pupils; and an implementation grant base amount of \$10,000 for 201-300 eligible pupils plus \$300 per eligible pupil in excess of the first 25 eligible pupils.

G. “Amount of funding for grants available to each region” as used in SB 192 (O’Connell) means the proportional enrollment of eligible pupils, in eligible districts from each of the eleven CTAP regions.

H. “Successfully completes” as used in SB 192 (O’Connell) means the school district has met or made significant progress (70% or greater) in meeting its August 31, 2005, accountability measures and will be eligible to apply for the one-time follow-up grant award, depending on funding availability.

I. “Accountability Measures” as used in SB 192 (O’Connell), means the following six performance goal benchmarks:

1. The percentage of students in the target group that demonstrate an increase in the utilization of technology to support meeting or exceeding academic content standards will increase from a baseline of <provided by school district>% in the 2002-2003 school year to < provided by school district)% by August 31, 2004 to < provided by school district >% by August 31, 2005.
2. Teachers in the target group who participated in professional development on education technology will demonstrate an increase in their proficiency in the use of technology as a tool for teaching and learning from a baseline of < provided by school district >% in the 2002-2003 school year to < provided by school district >% by August 31, 2004 and to < provided by school district >% by August 31, 2005.
3. Teachers in the target group participating in professional development on education technology will increase their use of technology as a tool to support student academic achievement from a baseline of < provided by school district >% in the 2002-2003 school year to < provided by school district >% by August 31, 2004 and to < provided by school district >% by August 31, 2005.
4. The average student-to-multimedia computer ratio at funded schools in the application will decrease from a baseline of < provided by school district > in the 2002-2003 school year to < provided by school district > by August 31, 2004.
5. The percentage of funded schools in the application with less than 50% of classrooms connected to the Internet will decrease from a baseline of <insert number>% in the 2002-2003 school year to <insert number)% by June 30, 2004 and in the 2003-2004 school year to <insert ratio> by August 31, 2005.
6. Describe the communication/collaboration utilizing technology that will be implemented or improved to support home, school, and community, how that implementation or improvement will be measured, and the benchmark that will be targeted.

Both the grant application and the scoring criteria will address the implementation and support of a comprehensive program based on research that effectively uses technology to improve pupil academic achievement in a manner consistent with other school district and school site efforts to improve pupil academic achievement. The comprehensive program will include the following components:

- A. Program for Students
- B. Professional Development
- C. Expanded Access to Learning Resources, Including Infrastructure, Equipment and Technical Support
- D. Communication and Collaboration Among Home, School and Community
- E. Evaluation

In consultation with the CDE, and consistent with the requirements of *the No Child Left Behind Act of 2001* (Public Law 107-110), CTAP shall provide assistance to school districts in the application process and shall assist grant recipients with the implementation and evaluation of their grants, subject to federal funding being allocated in the state budget for this technical assistance.

Mandate on Local Agency or School District

The SSPI has determined that these regulations do not impose a mandate on local agencies or school districts. No reimbursement is required under Section 17561 of the Government Code.

Cost Estimate

The SSPI also has determined that the regulations will involve no costs or savings to any State agency, no non-discretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the State.